

## **3.0 CLARIFICATIONS AND CORRECTIONS TO DEIS**

### **3.1 Summary of Major Themes**

This chapter includes clarifications and corrections to the Draft Environmental Impact Statement (DEIS) based on public comment letters, public hearing comments, minor Project modifications, and miscellaneous items identified by the City of Burien (City), the City's consultants, and the Applicant. Construction is now anticipated to begin in 2009, not 2008, and would be completed in 2012 or 2013, rather than 2011.

Where this chapter of the Final Environmental Impact Statement (FEIS) includes clarifications or corrections to the DEIS (whether in response to public comments on the DEIS, or based on clarifications or corrections by the City, its consultants, or the Applicant), the changes are identified in this FEIS using underlined text (underlined) for additions and strikethrough text (~~strikethrough~~) for deletions.

Clarifications and corrections in the FEIS address:

- Project vesting
- Project construction schedule
- Project access and access status
- Transportation, including characterization of construction traffic and construction traffic management
- Final building permit review, especially related to the stormwater system, erosion control, and geotechnical engineering
- Vegetation removal and potential spread of non-native weed species
- Wetlands extent and impacts
- Public access to Seahurst Park from/across the site

Specific responses to public comment letters and public hearing comments are provided in Chapter 4, which provides responses to each comment. In most cases, the response in Chapter 4 provides sufficient clarification and those comments do not necessitate a change or correction to the DEIS. Where additional information or changes to the DEIS are warranted, then such changes have been made and identified below.

### **3.2 DEIS Fact Sheet and Chapters 1 and 2 – Clarifications and Corrections**

The DEIS fact sheet and Chapters 1 and 2 are included in the FEIS and are modified as applicable. Because these two chapters are included in full, individual clarifications and corrections are not repeated here.

The fact sheet and table of contents are corrected and updated for the FEIS and these changes are fully incorporated. Substantive changes to Chapters 1 and 2, such as corrections or clarifications related to stormwater and transportation, are identified in this FEIS using underlined text (underlined) for additions and strikethrough text (~~strikethrough~~). However, non-substantive changes are made in those chapters without using underline/strikethrough in the text.

### **3.3. DEIS Section 3.1, Transportation – Clarifications and Corrections**

Page 3-9, insert the following at the bottom on the bullet list:

- Removal of timber and large woody debris during site clearing activities.

Page 3-10, modify the second paragraph:

The remaining categories of construction-related trips are primarily truck trips. A large proportion of these would be associated with grading activities. Based on preliminary estimates, the site will generate approximately 24,000 cubic yards of cut material and require approximately 24,700 cubic yards of fill material. As a result, only 700 cubic yards of material would be brought into the site during construction. Based on a 22-yard capacity for a tandem truck, the amount of material to be removed would be equivalent to approximately 32 truckloads. Each load would generate two truck trips (one trip for the full truck entering the site and one trip for the empty truck leaving the site), resulting in a total of 64 truck trips. In addition, removal of timber and large woody debris from the site during site clearing would generate approximately 80 to 100 truck trips over a two-week period, or approximately 8 to twelve truck trips per day.

Page 3-10, after the third paragraph, insert:

As part of building permit review (and/or grading permit, if issued separately), the City of Burien would require preparation and implementation of a Construction Traffic Management Plan to ensure safe and efficient movement of construction workers, equipment, and materials to and from the site and to reduce off-site construction traffic impacts. These measures could include:

- Transporting construction materials to and from the site during off-peak times to minimize congestion impacts.
- Maintaining safe pedestrian and vehicular circulation adjacent to the construction site through the use of temporary walkways, signs, and manual traffic control.
- Staging construction trucks within the construction site, rather than off-site, to the extent feasible.
- Designating on-site parking for construction workers to minimize impacts on the adjacent roadways.

Page 3-12, modify the second full paragraph:

#### *Site Access*

The proposed site plan identifies a single access point along SW 136<sup>th</sup> Street, west of Ambaum Boulevard SW, in Alternative 1. The access drive would be

two lanes, one lane inbound and one lane outbound, and would accommodate full turning movements into and out of the site. While the initial design (1990) proposed access from 12<sup>th</sup> Avenue SW and SW 134<sup>th</sup> Street, that access is not part of the current action alternatives.

Page 3-25, modify the second paragraph:

*Site Access*

The Alternative 2 site plan identifies a single access point along SW 136<sup>th</sup> Street, west of Ambaum Boulevard SW (same as Alternative 1). The access drive would be two lanes, one land inbound and one lane outbound, and would accommodate full turning movements into and out of the site. While the initial design (1990) proposed access from 12<sup>th</sup> Avenue SW and SW 134<sup>th</sup> Street, that access is not part of the current action alternatives.

Page 3-29, after the heading 3.1.3 Mitigation Measures, insert the following and modify the next paragraph:

As part of building permit review (and/or grading permit, if issued separately), the City of Burien would require preparation and implementation of a Construction Traffic Management Plan to ensure safe and efficient movement of construction workers, equipment, and materials to and from the site and to reduce off-site construction traffic impacts. These measures could include:

- Transporting construction materials to and from the site during off-peak times to minimize congestion impacts.
- Maintaining safe pedestrian and vehicular circulation adjacent to the construction site through the use of temporary walkways, signs, and manual traffic control.
- Staging construction trucks within the construction site, rather than off-site, to the extent feasible.
- Designating on-site parking for construction workers to minimize impacts on the adjacent roadways.

~~Since~~ Because all study area intersections would operate within their LOS standards, no significant adverse traffic impacts are anticipated from either Alternative 1 or Alternative 2. Therefore, no other transportation mitigation would be necessary in either alternative.

### **3.4 DEIS Section 3.2, Drainage and Water Quality – Clarifications Corrections**

Page 3-35, modify the first sentence of the fourth full paragraph:

As described in ~~Section~~ Chapter 2 of this DEIS, collecting and routing runoff from areas upslope of the Project excavation would be required to divert offsite surface runoff water around the excavations, walls and buildings.

Page 3-35, insert new paragraph after the fourth full paragraph:

City review of the Technical Information Report (TIR) requirements and stormwater design could result in modifications to the stormwater system, such as directing peak overflows from the vaults via a tightline, rather than via the proposed spreaders and water energy dissipators. Such changes would be addressed by the City's drainage review and would include measures to minimize potential effects such as risk to slope stability, erosion at the point of stormwater discharge, downstream sedimentation, or changes in wetland recharge. More substantial changes could result in further environmental review.

Page 3-40, insert new paragraph after the second paragraph (mitigation measures for Alternative 1):

As part of the City's review of the TIR requirements and stormwater design, and prior to issuance of any building (or grading) permits, the City would ensure that the storm drainage design adequately addresses peak overflows. The City would require that the stormwater design incorporate the measures necessary to minimize potential effects such as risk to slope stability, erosion at the point of stormwater discharge, downstream sedimentation, and/or significant changes in wetland recharge. Measures could include tightlining flows or peak flows or providing additional water energy dissipators. The City may require additional technical studies if needed to ensure a sound stormwater drainage design. More substantial changes could result in further environmental review.

Page 3-40, insert new paragraph after the third (existing) paragraph, following the first paragraph under the heading 3.2.3.2 Alternative 2:

As part of the City's review of the TIR requirements and stormwater design, and prior to issuance of any building (or grading) permits, the City would ensure that the storm drainage design adequately addresses peak overflows. The City would require that the stormwater design incorporate the measures necessary to minimize potential effects such as risk to slope stability, erosion at the point of stormwater discharge, downstream sedimentation, and/or significant changes in wetland recharge. Measures could include tightlining flows or peak flows or providing additional water energy dissipators. The City may require additional technical studies if needed to ensure a sound

stormwater drainage design. More substantial changes could result in further environmental review.

### **3.5 DEIS Section 3.3, Earth and Geotechnical – Clarifications and Corrections**

Page 3-44, modify the second full paragraph under the heading Landslides:

In preparation of the DEIS and FEIS, several site visits were conducted in 2006 and 2008, respectively, to verify topographic features and other landforms that could be suggestive of past hillside instability. Based on these site visits, geotechnical experts determined that the ~~The~~ upper slopes of the property, typically above elevation 300 feet ASL, appear to be stable, ~~based on the surface topography, geomorphic expression and site vegetation and do not exhibit prior instability, indicating that the property was stable (i.e., no landslides) following the 2001 magnitude 6.8 Nisqually earthquake. The upper slopes have not been~~ were not identified by the City of Burien as having a high landslide risk nor were these slopes identified by King County in 1990 as being within a landslide susceptible area. Areas with slopes of greater than 40% are identified on the City of Burien's Critical Areas Map as a landslide hazard area based on these slopes. However, current City regulations for critical areas do not apply.

Pages 3-47 to 3-48, modify construction dates in first paragraph under heading 3.3.1.7 Earth and Geotechnical Construction Details:

In general, the two development options would involve major regrading of the site and infrastructure construction (i.e. roads and utilities), expected to be completed as a single phase in the summer of ~~2008-2009~~. In both action alternatives, buildings would be constructed in three phases, starting in ~~2008~~ 2009 and completed by ~~2011-2012~~ or 2013.

Page 3-57, delete the first paragraph:

~~The Applicant could pursue a street vacation of the SW 136th Street ROW in order to facilitate future ongoing maintenance of this area, rather than relying on a permanent easement to install retaining wall tie back systems. The City has indicated that it might support such an approach (pers. comm., Steve Clark 2007).~~

### **3.6 DEIS Section 3.4, Plants and Animals – Clarifications and Corrections**

Page 3-64, insert new sentence at end of paragraph that begins on previous page:

#### Long-Term Impacts

Construction of the 200 multi-family residential units would result in the removal of approximately 7.4 acres of upland forest with about 2.4 acres remaining. The Project would result in the clearing of second-growth forest and mature, large-diameter trees (approximately 31 inches dbh). Most large trees are concentrated in the southern portion of the site. Construction activity might increase seed dispersal from non-native species, which could contribute to a long-term increase of non-native species throughout the Project site and into the existing park boundary. Several non-native species were observed adjacent to the senior center located at the southeast corner of the property, including Scotch broom (*Cytisus scoparius*) and himalayan blackberry (*Rubus discolor*). Due to the absence of canopy cover to shade out invasive shoots, these species might become established on the site and spread into the park if left uncontrolled. In addition, imported soil could introduce weed species to the site and surrounding properties.

Page 3-66, modify the second paragraph:

#### Long-Term Impacts

Approximately 7.2 acres of land would be cleared under Alternative 2, which is about 0.2 less than that of Alternative 1. Construction activity could lead to invasion of non-native species on the Project site and in the adjacent park boundary. In addition, imported soil could introduce weed species to the site and surrounding properties. Landscape plans for Alternative 2 (see FEIS Figure 2.3-2) include ~~potential proposed~~ Seahurst Park trail access at the south end of the property and retaining trail access in the northwest corner of the site. Pedestrian travel between the property and the park could aid in the transport of non-native species into the adjacent park habitat.

Page 3-69, insert new mitigation measure after the first paragraph:

Plant Salvage: The Applicant will work with the City to provide a reasonable opportunity for others to salvage plants from the site, prior to construction.

Page 3-69, modify and correct reference in second paragraph:

Revegetation: The replanting proposed by the Applicant would include planting two trees for each significant tree removed on the Project site (excluding alders). “Significance” in this instance is defined as the minimum size of tree used by pileated woodpeckers, i.e. a coniferous tree that measures at least 26 inches dbh. This measure ~~is in keeping with~~ meets the

requirements of the KCC Section 21.51.40 in effect in February 1990 (see Section 3.1.6.3–3.6.1.3). In order for these new plantings to establish successfully on the site, it is recommended that one of the following courses of action be adopted:

Page 3-69, insert new mitigation measure at the end of Section 3.4.3.1:

Soil Contaminated with Weed Seeds: Prior to issuance of any construction permits, the Applicant would be required to provide the City with a plan to control the possible spread of noxious weeds from imported fill and topsoil.

### **3.7 DEIS Section 3.5, Wetlands – Clarifications and Corrections**

Page 3-70, modify the second paragraph:

A wetland occurs along the western property line (see DEIS Figure 3.5-1). The wetland straddles the Project property line, spanning east to west along the topographical gradient, with approximately 0.14 acres of wetland located on the Project site. Most of the wetland is located off-site, to the west and extends roughly north-south just downslope of the west property boundary. DEIS Figure 3.5-1 shows only the uppermost portion of the wetland that extends onto the Project site. Water travels downslope and westward from the wetland into small off-site tributaries to North Creek within Seahurst Park and eventually to Puget Sound.

Page 3-73, modify the third paragraph:

A wetland study was completed in 1991 using the Corps Wetlands Delineation Manual (Environmental Laboratory 1987) and the U.S. Fish and Wildlife Service wetland classification system (Cowardin et al. 1979). This wetland did not occur on the King County Sensitive Areas Folio Map in 1990 (Terra Associates 1991), nor does it occur on the current National Wetlands Inventory map register (USFWS 2006). Surveyors determined this to be a King County Class II palustrine forested wetland (Terra Associates 1991) using the September 1990 KCC (1990 KCC Section 21.54.270). September 1990 KCC regulations dictated Category II wetlands shall have a 50-foot buffer. These regulations required a minimum 15-foot building setback line in addition to the wetland buffer and do not allow for buffer averaging (1990 KCC Section 21.54.270). The Project is vested under February 1990 KCC regulations, so the September 1990 regulations do not apply to the Project site. However, these buffers have been proposed by the Applicant on their construction and landscape plans. Since release of the DEIS, the Applicant has revised Alternative 2 to show additional wetland protection that would exceed the voluntary 50-foot wetland buffer and 15-foot building setback in places (see FEIS Figure 2.3-2). The Applicant also proposes planting facultative plant materials, as applicable, to enhance wetland buffer functions.

Page 3-75, modify the first full paragraph:

The main water source for the wetland ~~on the Project site~~ is groundwater seepage, which occurs at several points along the toe of the slope that borders the east and south sides of the wetland (Terra Associates 1991). Other water sources include precipitation and runoff (surface flow). Observed wetland hydrology includes standing water, water stains, flow patterns, and groundwater seepage. Water travels from the wetland area off-site into North Creek, which flows west through Seahurst Park and into Puget Sound. At the time of the October 2006 site visit, flowing and standing water were present in several areas of the wetland (see DEIS Photo 3.5-1).

Page 3-77, modify the second mitigation measure under Section 3.5.3.1:

Permanent Stormwater Control System: A stormwater system (DEIS Section 3.2) would be developed to meet the detention, retention, and release rates. Such as system also might include directing peak overflows from the vaults via a tightline, rather than via the proposed spreaders and water energy dissipators. The stormwater system would be designed to not significantly affect wetland recharge. Implementation of the system will reduce the Project effects to nearby wetlands and streams.

Page 3-77, modify the third mitigation measure under Section 3.5.3.1:

Wetland Buffer: ~~The Project proponent will~~ Applicant would implement a voluntary 50-foot-wide buffer, around the existing wetlands to help protect the function of these systems. ~~The current design for the stormwater ponds does encroach upon these buffers along the northwest quarter.~~

Page 3-78, modify Section 3.5.3.2:

Mitigation measures under Alternative 2 are the same as those proposed ~~addressed~~ in Alternative 1, with the following:

Wetland Buffer: Alternative 2 would provide additional wetland protection that would exceed the voluntary 50-foot wetland buffer and 15-foot building setback in places (see FEIS Figure 2.3-2). The Applicant also proposes planting facultative plant materials, as applicable, to enhance wetland buffer functions.



### 3.8 DEIS Section 3.6, Land Use – Clarifications and Corrections

Page 3-83, modify the third full paragraph:

#### Short-Term Impacts

Implementation of Alternative 1 would involve the construction of a collection of five buildings providing a total of 201 residential units (including the manager's unit), a clubhouse and pool complex (which ~~will~~ also would include a manager's unit), and Project infrastructure, including internal roads, water and sewer infrastructure, and stormwater facilities. Construction activities would occur in three phases, with clearing and grading activities completed in ~~2008-2009~~ and construction of all buildings complete by ~~2011-2012 or 2013~~. Construction access to the site would be ~~achieved~~ via 12<sup>th</sup> Avenue SW and SW 136<sup>th</sup> Street, two streets characterized by low- to-medium intensity residential development, so traffic conflicts ~~will~~ would be minor. Construction activities would comply with applicable City of Burien health and safety requirements and within the City's established construction windows (see Section 3.2, Drainage and Water Quality, and Section 3.8, Noise, for more discussion ~~on~~ of applicable construction windows.) As such, the Project would not be expected to create conflicts with adjacent uses. No significant short-term impacts would result from implementation of Alternative 1.

Page 3-90, modify the second paragraph:

#### Short-Term Impacts

Short-term impacts associated with Alternative 2 would be similar to those identified in Alternative 1. Alternative 2 would include the construction of seven buildings containing a total of 179 residential units (including the manager's unit), a clubhouse and pool complex (which ~~will~~ also would include a manager's unit), and Project infrastructure including internal roads, water, and sewer infrastructure, and stormwater facilities. Construction activities would occur in three phases, with clearing and grading activities complete by summer of ~~2008-2009~~ and construction of buildings completed between ~~2008-2009~~ and ~~2011-2012 or 2013~~ (approximately two buildings completed per year). All Alternative 2 construction activities would comply with applicable City of Burien health and safety requirements within the City's established construction window and, as such, would not be expected to create conflicts with adjacent uses.

### **3.9 DEIS Section 3.7, Aesthetics, Light, and Glare – Clarifications and Corrections**

Page 3-94, modify the second full paragraph:

#### **Short-Term Impacts**

During site preparation and construction, the visual quality of the site would be changed due to the removal of trees, site grading, and construction activities. ~~At the present time, e-~~Clearing and grading of the site is expected to last approximately 12 weeks. Because the construction of buildings ~~will~~ would be conducted in phases, starting in mid-~~2008-2009~~ and ending in ~~2010 or 2011-2012 or 2013~~, some aesthetic impacts due to ongoing construction activities ~~will~~ would exist throughout this period. These impacts are expected to be comparable to those of other multifamily residential construction projects and would not affect a large number of viewers due to the relatively low visibility of the Project site from much of the surrounding area.

### **3.10 DEIS Section 3.8, Noise – Clarifications and Corrections**

Page 3-101, modify the last paragraph:

Development of the Project site would result in the generation of noise during the construction phase. Noise during this phase would be intermittent and would vary considerably according to the nature of the construction activities. At this time, clearing and grading of the site is expected to last approximately 12 weeks. Chainsaws used in the removal of existing trees, chippers to process large woody debris on site, and use of heavy construction equipment, especially during grading activities, would be sources of higher-than-normal temporary noise levels. During grading, it is estimates that hauling of soil from the site will require approximately 50 trips per day by trucks over a 12-to 16-week period, with a five-day work week. Removal of timber and large woody debris from the site would require approximately 80 to 100 truck trips over a two-week period, or approximately 8 to twelve truck trips per day. Use of larger trucks, a longer grading period, or a six-day work week would allow fewer daily trips. Noise generated by hauling would not be restricted to the site and would increase noise levels along the entire truck route.

Page 3-102, modify the first full paragraph:

During site preparation and construction of buildings, noise from power tools such as jackhammers, nail guns, and saws would also be created; driving of piles or blasting would not be carried out on site. Additional truck traffic associated with construction would also serve as a source of noise, as would heavy equipment such as excavators and front loaders. Vehicle safety back-up beepers are another ~~significant~~ source of noise. ~~At the present time, e-~~Construction of buildings ~~will~~ would be conducted in phases, starting in mid-

~~2008–2009~~ and ending in ~~2010 or 2011~~ 2012 or 2013, with one or two buildings constructed each year. As construction-related noise is regulated under the City of Burien Municipal Code, it is not expected to have a significant impact.

### **3.11 DEIS Section 3.9, Parks and Recreation Resources – Clarification and Corrections**

Page 3-113, modify the fourth paragraph:

#### **Long-Term Impacts**

Long-term impacts associated with Alternative 2 would be similar to, but slightly less ~~than~~, those identified in Alternative 1. As a result of the smaller residential population in Alternative 2, the demand for additional park and open space would be reduced. Based on the approximately 400 new residents proposed in Alternative 2, demand for approximately 0.8 acres of new neighborhood park/playground facilities, 1.0 acre of community park land, and 1.6 acres of open space would be created. Since release of the DEIS, Alternative 2 has been modified to show the retention of the existing trail through the northwest corner of the Project site, located upslope of the 50-foot wetland buffer, and largely outside of the 15-foot building setback. This is in addition to the park connection at the western site boundary shown in the DEIS. Figure 2.3-2 of the FEIS is revised to show this existing informal trail connection. As in Alternative 1, the combination of on-site recreation facilities and improved ~~increased~~ access to Seahurst Park provided in Alternative 2, including provisions to allow pedestrian access on internal roadways, would likely offset recreation demand.

### **3.12 DEIS Section 3.10, Public Services – Clarifications and Corrections**

No clarifications or corrections were made to this section.

### **3.13 DEIS Section 3.11, Public Utilities – Clarifications and Corrections**

No clarifications or corrections were made to this section.

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